

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN SENATE APRIL 6, 2005

**SENATE BILL**

**No. 1007**

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**Introduced by Senator Ducheny**

February 22, 2005

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An act to amend Section 71 of Chapter 67 of the Statutes of 1962, First Extraordinary Session, relating to port districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1007, as amended, Ducheny. San Diego Unified Port District Act: retirement and disability benefits.

The existing San Diego Unified Port District Act establishes the San Diego Unified Port District, prescribes the powers and duties of the district, and provides for the transfer to the district of specified tidelands and lands lying under inland navigable waters in San Diego. The act requires that all employees of San Diego County or any city within the county who are performing duties in connection with the Port of San Diego or the respective harbor departments, be considered as employees of the district, and authorizes the district to contract with the State Employees' Retirement System and provide retirement and disability benefits for employees under the State Employees' Retirement System, pursuant to its rules and regulations. The act further authorizes the district, ~~by contract~~, to continue, *by contract*, those employees of the district who are covered as members of the system of which they were members while they were employees of the respective cities.

This bill would revise those provisions governing employee retirement and disability benefits to also authorize the district to contract with any other employee retirement and disability system, or

to establish an independent employee retirement and disability system *pursuant to certain provisions authorizing the legislative body of a local agency to establish a pension trust funded by individual life insurance contracts, individual annuities, group policies of life insurance, or group annuities, or any combination of those.*

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 71 of Chapter 67 of the Statutes of  
2 1962, First Extraordinary Session, is amended to read:

3 SEC. 71. (a) Upon the establishment of the district, all  
4 persons then occupying the several offices of or under the  
5 government, of the county and each of the cities included therein,  
6 except as otherwise provided, whose several powers and duties  
7 are within the powers of the district or within the powers or  
8 duties of the several officers thereof, shall immediately quit and  
9 surrender the occupancy or possession of those offices, which  
10 shall thereupon cease and determine, except as to any persons  
11 who have powers and perform duties for the county and the cities  
12 other than those mentioned, whose offices shall not cease and  
13 determine as to those other powers and duties, but shall continue  
14 with respect thereto the same as if the district had not been  
15 established.

16 (b) Notwithstanding subdivision (a), all employees of the  
17 county and any city performing duties in connection with the  
18 Port of San Diego or the respective harbor departments; shall be  
19 blanketed in as employees of the district.

20 (c) The district may do all of the following with respect to  
21 retirement and disability benefits for its employees:

22 (1) Contract with the State Employees' Retirement System and  
23 provide retirement and disability benefits for employees under  
24 the State Employees' Retirement System pursuant to its rules and  
25 regulations.

26 (2) Contract with any city included within the district that has  
27 a retirement system for retirement and disability benefits for  
28 district employees.

1 (3) Contract with any other employee retirement and disability  
2 system.

3 (4) Establish an independent employee retirement and  
4 disability system *pursuant to Article 1.5 (commencing with*  
5 *Section 53215) of Chapter 2 of Part 1 of Division 2 of Title 5 of*  
6 *the Government Code.*

7 (5) By contract, continue those employees of the district so  
8 blanketed in, as members of the retirement system of which they  
9 were members while they were employees of the respective  
10 cities.

11 SEC. 2. This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety  
13 within the meaning of Article IV of the Constitution and shall go  
14 into immediate effect. The facts constituting the necessity are:

15 Because of the financial uncertainty of the City of San Diego  
16 and because the city is currently under contract with the San  
17 Diego Unified Port District to provide that district's retirement  
18 and disability benefits, it is critical that the district be granted the  
19 power provided by this act to make decisions to ensure the  
20 long-term stability of the district's retirement and disability  
21 benefit systems at the earliest possible time.